

Message Text

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15

ACTION EUR-25

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TO AMEMBASSY BONN

INFO SECSTATE WASHDC 1674

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AMEMBASSY MOSCOW

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USMISSION NATO

C O N F I D E N T I A L BERLIN 0656

E. O. 11652: GDS

TAGS: PGOV, WB

SUBJECT: AGREEMENT BETWEEN THE LAENDER ON ALLOCATION OF PLACES IN
THE UNIVERSITIES

1. SUMMARY: SENAT HAS PROPOSED TAKEOVER IN BERLIN OF
AGREEMENT REACHED AMONG LAENDER LAST OCTOBER, WHICH,
INTER ALIA, ALLOCATES NUMBER OF PLACES IN UNIVERSITIES
TO BUNDESWEHR MEMBERS WHILE IN LEAVE STATUS TO STUDY
MEDICINE, DENTISTRY OR CHEMISTRY. FRENCH AND BRITISH
ARGUE FOR EXCEPTING THIS PROVISION FROM APPLICATION IN
BERLIN, BUT WE BELIEVE THIS IS OVERLY- RESTRICTIVE INTER-
PRETATION OF DEMILITARIZATION LEGISLATION, AND THAT
SPIRIT OF ALLIED LAW WOULD IN NO WAY BE VIOLATED BY PROVIDING
OPPORTUNITY TO STUDY SUCH NON- LETHAL SUBJECTS IN BERLIN.

END SUMMARY.

2. ALLIED MISSIONS HAVE FOR SOME TIME HAD UNDER REVIEW
AGREEMENT CONCLUDED BY HEADS OF LAENDER GOVERNMENTS IN
OCTOBER 1972, WHICH, INTER ALIA, REQUESTED CONTRACTING
PARTIES TO RESERVE TWO PER CENT OF AVAILABLE
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STUDENT SPACES AT UNIVERSITIES IN SCHOOLS OF MEDICINE, DENTISTRY OR CHEMISTRY FOR MEMBERS OF BUNDESWEHR. PERSONS INVOLVED WOULD REMAIN ON ACTIVE ARMY ROLLS AND WOULD RECEIVE TRAINING PAY, BUT WOULD BE ON LEAVE STATUS.

3. LEGAL COMMITTEE CONCLUDED IN JANUARY THAT IT WOULD BE CORRECT TO ACCEPT AS LAWFUL THE PRESENCE IN BERLIN OF BUNDESWEHR PERSONNEL WHO, WHILE REMAINING ACTIVE MEMBERS, WERE NOT PERFORMING THEIR MILITARY DUTIES BUT WERE SIMPLY FOLLOWING THEIR STUDIES AT A UNIVERSITY. COMMITTEE FURTHER CONCLUDED THAT STUDIES INVOLVED COULD NOT REASONABLY BE SAID TO FALL WITHIN MEANING OF VARIOUS TEXTS RELATING TO DEMILITARIZED STATUS OF BERLIN.

4. WE ARE INCLINED TO ACCEPT THIS READING AND TO PERMIT LEGISLATION TO BE TAKEN OVER WITH PROVISION FOR BUNDSWEHR SLOTS. BRITISH AND FRENCH CONTINUE TO OBJECT ON GROUNDS THAT LEGISLATION SHOULD BE LITERALLY CONSTRUED TO EXCLUDE BUNDESWEHR PERSONNEL FROM ENGAGING IN ANY ACTIVITY IN BERLIN NOT COMPLETELY PRIVATE IN NATURE, AND THAT SOVIETS MIGHT OBJECT TO UNRESTRICTED APPLICATION OF AGREEMENT. (BRITISH POSITION, INCIDENTALLY, IS CONSISTENT WITH THEIR SUPPORT FOR LOCAL AUTHORITIES PROCEEDING WITH PROSECUTION OF CASE INVOLVING ARREST OF MAN STANDING IN RED- COAT, BEARSKIN- HAT COSTUME WITH ANTIQUATED GUN AS ADVERTISING PLOY OUTSIDE GRUENE WOCHE EXHIBIT LAST FEBRUARY.)

5. IT SEEMS TO US BRITISH AND FRENCH ARGUMENTS DISREGARD INTENT OF DEMILITARIZATION LEGISLATION AND THEREBY FAIL TO PERCEIVE FOREST FOR TREES. POSITIONS SUCH AS THOSE NOTED ABOVE IN THIS DAY AND AGE ONLY MAKE ALLIES LOOK SILLY WHEN DEVELOPMENTS IN QUESTION SURFACE IN PUBLIC MEDIA. BK/ L AUTHORIZING EXTENSION OF LAENDER AGREEMENT COULD OF COURSE CONTAIN SUITABLE CAUTIONARY LANGUAGE TO EFFECT THAT ALLIES MAINTAIN PRINCIPLE OF DEMILITARIZATION, AND ACTIVITIES OF STUDENTS SHOULD BE CAREFULLY MONITORED TO ENSURE THAT THERE ARE NO ABUSES. WOULD APPRECIATE VIEWS OF EMBASSY AND DEPARTMENT. KLEIN

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